

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 7, 19, 20, 21, 22, and 23. As suggested by the Examiner, in Figures 7, 19, 20, 22 and 23, "MAICROWAVE" has been changed to "MICROWAVE". Figure 21 has also been amended to change "MIROWAVE" to "MICROWAVE".

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

Favorable consideration and allowance are respectfully requested for claims 14 – 17, 19, 20, 22, 23, 25, 26, 41 and 42 in view of the foregoing amendments and the following remarks.

New claims 41 and 42 are provided herewith and are supported by originally-filed claims 18 and 21.

Replacement drawings are provided herewith as explained on the earlier page entitled “Amendments to the Drawings.” In response to the objections to the drawings, Applicants have amended Figures 7, 19, 20, 22, and 23 by changing “MAICROWAVE” to “MICROWAVE” and Figure 21 has been amended to change “MIROWAVE” to “MICROWAVE” as suggested by the Examiner, thereby rendering these objections moot. Reconsideration and withdrawal of these objections are therefore respectfully requested.

Applicants have amended the specification on pages 10, 12, and 18 to correct the informalities noted by the Examiner, thereby rendering these objections moot. Applicant’s note that the error cited on page 18, line 4 was not apparent and no change was made. Reconsideration and withdrawal of these objections are therefore respectfully requested.

Applicants have amended the numbering of the claims in accordance with 37 CFR 1.126 as noted by the Examiner thereby rendering the objection to the

claims moot. Reconsideration and withdrawal of this objection are therefore respectfully requested.

Claims 14 – 17, 19, 20, 22, 23, 25, 26, 41 and 42 are currently pending in the present application. Claims 1 – 13, 18, 21, 24, 27 – 40 have been withdrawn. Claim 24 has been cancelled without prejudice or any disclaimer of the subject matter therein. Claim 14 is amended by adding the subject matter of originally filed claim 24. Claim 17 is amended to delete the reference numeral “17” therein. Originally filed claims 27 and 28 have been amended so that they are numbered consecutively, i.e., 25 and 26.

The rejection of claim 16 under 35 USC § 112, first paragraph, as not complying with the written description requirement, is respectfully traversed.

A new paragraph is provided on page 5 at line 5 to track the language which appears in originally-filed claims 3, 16 and 30. Accordingly, the specification provides proper support for the features of these originally-filed claims, including currently-pending claim 16. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The rejection of claim 22 under 35 USC § 112, first paragraph, because the specification is allegedly not enabling for movement of the voltage drawing rod (antenna) with respect to the top plate, is respectfully traversed.

The enablement requirement is satisfied where the specification describes the claimed subject matter in such a way as to enable any person skilled in the art to which it pertains to make and/or use the invention. Thus, enablement is judged in view of the combined teachings of the specification and the knowledge of one skilled in the art.

The U.S. Court of Customs and Patent Appeals has stated that “[t]he first paragraph of § 112 requires nothing more than objective enablement. How such a teaching is set forth, either by the use of illustrative examples or by broad terminology, is of no importance.” *In re Marzocchi*, 169 USPQ 367 , 369 (CCPA 1971). The court also added that “it is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain why it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure.” *In re Marzocchi*, 169 USPQ 367 , 370 (CCPA 1971).

The present disclosure, including the specification and related drawings is enabling for the claimed features, because one of skill in the could readily make and use the claimed invention. Figures 14 and 15 depict how the voltage drawing rods may be moved relative to the top plate. The embodiments shown in

Figures 14 and 15 include the feature that the voltage drawing rods penetrate the chamber walls, as shown in Figure 8. The specification includes a paragraph describing the feature of varying the distance between the voltage drawing rods and the top on page lines 14-24. Further, given the statement in this paragraph that the different voltage rods may be used for different purposes depending on their different distance from the top plate, one of skill in the art would understand that different voltage rods may be independently maneuverable. A person of skill in the art could readily fashion a mechanism to move these voltage rods as shown in Figures 14 and 15.

The present record includes no statement or other explanation as to why the statements in the disclosure should be doubted. In fact, a person of skill in the art could readily fashion a device such as that contemplated by claim 22. As a result, claim 22 is properly enabled and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 14 and 15 under 35 USC § 102(e) over Glukhoy (6,783,629) is respectfully traversed.

As amended, claim 14 includes the limitation from previously-pending claim 24 that “the top plate has a plurality of holes for passing a gas to be supplied to the process chamber.” Claim 15 depends from claim 14 and includes the limitations thereof. Glukhoy does not teach a top plate with a plurality of holes for passing a gas to be supplied to the process chamber. As such, the

reference fails to teach each and every element of these claims. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The following rejections, under 35 USC § 103(a), are all respectfully traversed: of claims 16 and 22 over Glukhoy (6,783,629) in view of Tsuchihashi et al. (6,109,208); of claim 17 over Glukhoy (6,783,629) in view of Wartski et al. (5,637,150); of claims 19, 20 and 22 over Glukhoy (6,783,629) in view of Minaee et al. (6,558,635); and of claim 23 over Glukhoy (6,783,629) in view of Tonotani et al. (6,181,069).

Each of these claims are directly or indirectly dependent from claim 14 and include the limitations thereof, including that “the top plate has a plurality of holes for passing a gas to be supplied to the process chamber.” None of the cited references, either alone or in combination, teaches or suggests a top plate with a plurality of holes for passing a gas to be supplied to the process chamber. As such, the proposed combinations of references fail to teach each and every element of the claims and the obviousness rejection cannot be properly maintained. Reconsideration and withdrawal of these rejections are therefore respectfully requested.

The rejection of claims 24, 25, and 27 under 35 USC § 103(a) over Glukhoy (6,783,629) in view of Nishikawa et al. (6,244,211) is respectfully traversed.

The limitations of claim 24 are added into independent claim 14, which, as explained below, renders claim 14, and the claims dependent therefrom, allowable. In claim 14, the top plate has a plurality of holes for passing a gas to be supplied to the process chamber. Claim 14 also requires that the top plate and chamber wall are for defining the process chamber. As such, these elements (the top plate and chamber wall) must define at least a portion of the process chamber.

The Office Action asserts that the grounded opposite electrode of Nishikawa equates to the top plate of claim 14 (formerly claim 24). This is not the case, however, as Nishikawa discloses “[a] plasma processing apparatus [having] a processing chamber in which are provided one or more radio frequency antennas and a grounded opposite electrode positioned opposite to a sample”, see the abstract. Thus, the Nishikawa teaches that the grounded opposite electrode is positioned in the processing chamber. This means that the processing chamber is separate and distinct from the grounded opposite electrode.

This is the embodiment shown in the relevant drawings of Nishikawa, each of which shows a chamber 1, with an opposite electrode 6 positioned inside the chamber 1; see figures 1-3, 7-8 and 10 of Nishikawa. Further, Nishikawa does not provide any suggestion to one of skill in the art to try to use a top plate as is presently claimed (to define part of the process chamber and having the

required holes). Accordingly, Nishikawa does not teach or suggest a process chamber with a top plate having a plurality of holes for passing a gas to be supplied to the process chamber. As a result, Nishikawa does not make up for the failure of all of the other references cited in the Office Action to teach the presently-claimed apparatus. Reconsideration and withdrawal of this rejection are therefore respectfully requested.

Applicants are filing herewith a Provisional Terminal Disclaimer of U.S. Patent Application Serial No. 10/618,602 to overcome the provisional obviousness-type double patenting rejection of claims 16, 22, 23, 24, 25 and 27. Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

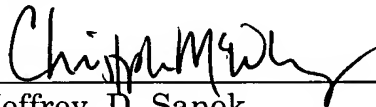
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101249.52600US).

Respectfully submitted,

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ANNOTATED SHEET

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Fig. 6

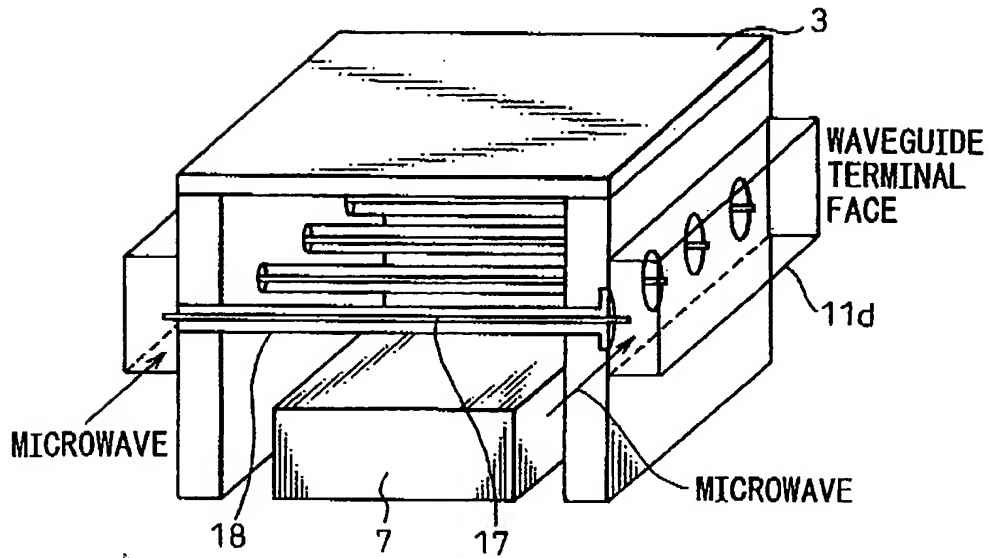
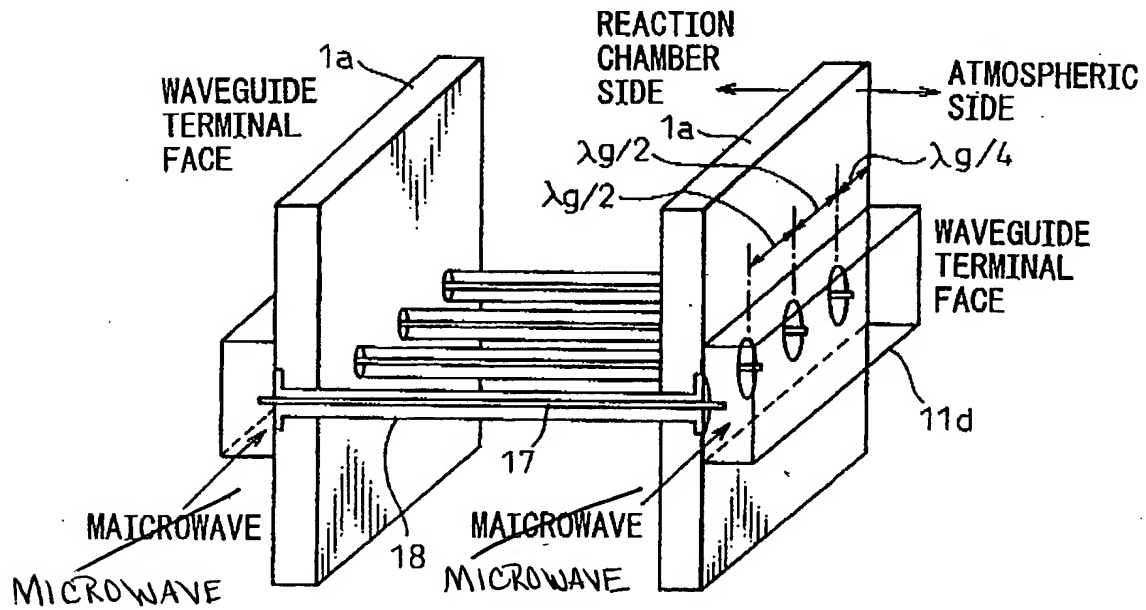


Fig. 7



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Fig.22

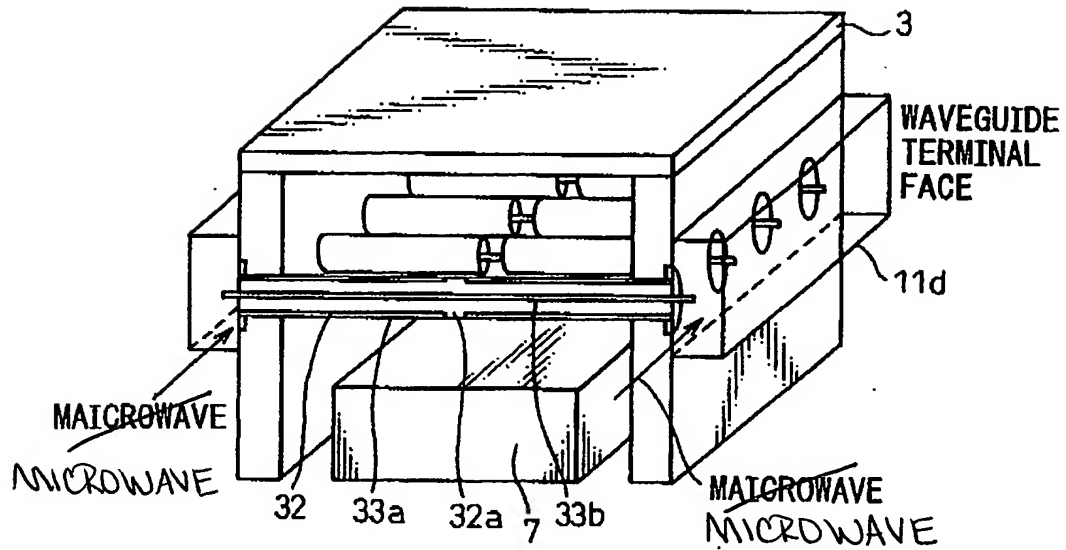
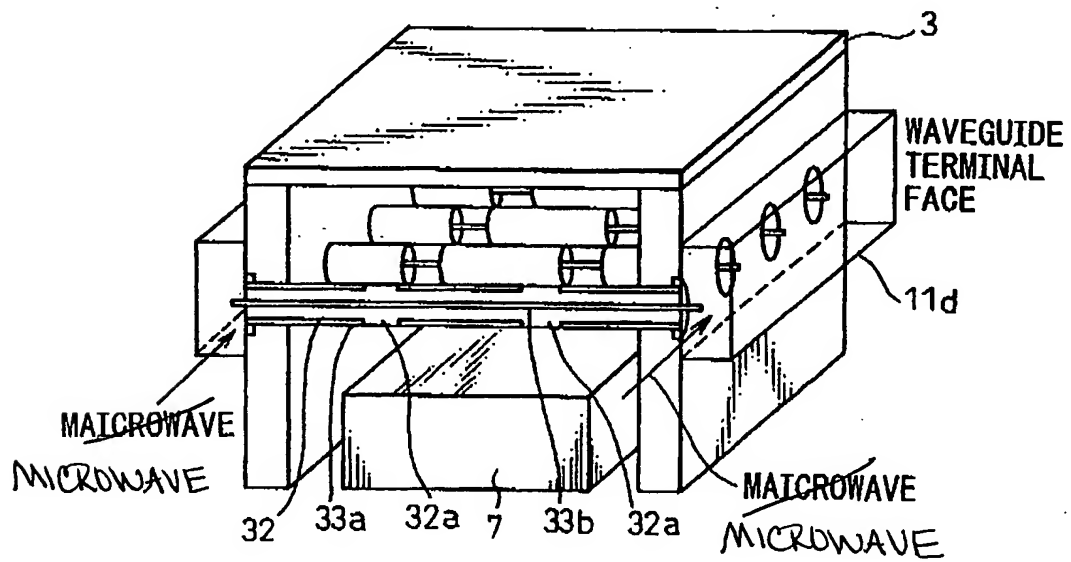


Fig.23



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Fig.18

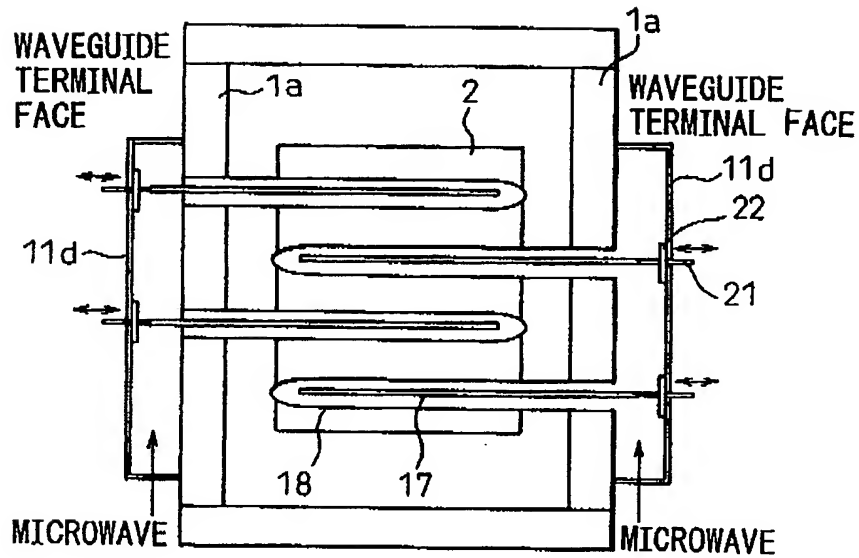
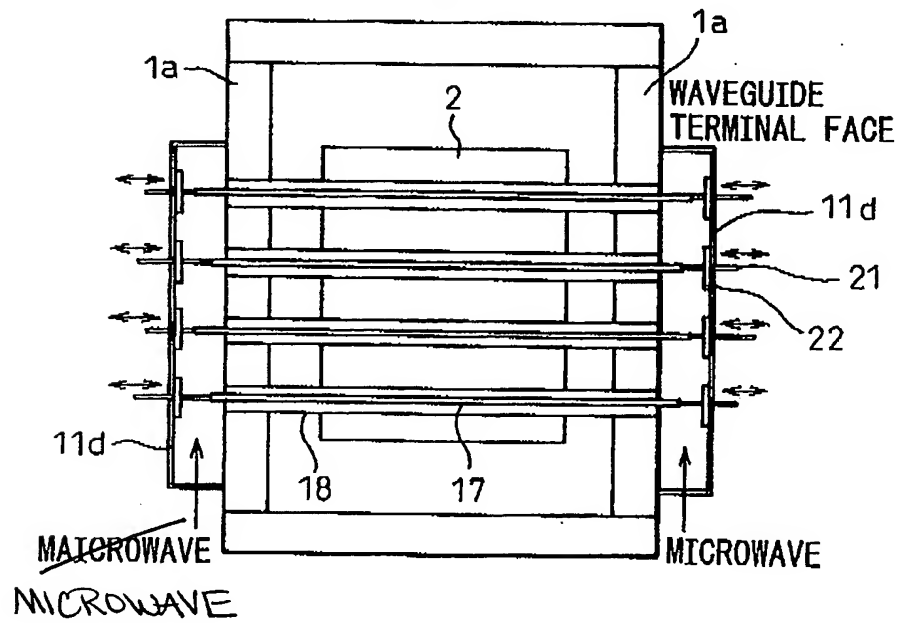


Fig.19



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Fig.20

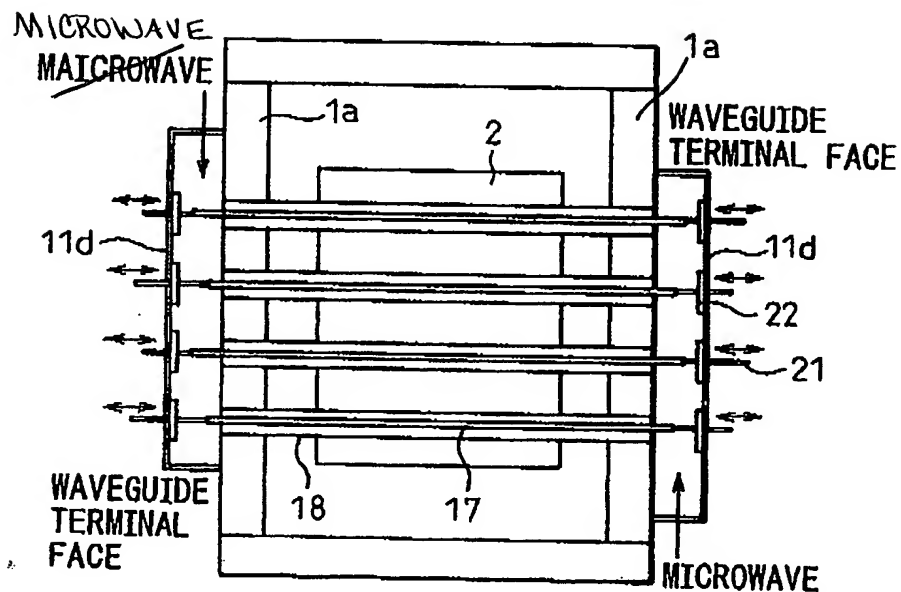


Fig.21

